

OPINIONS OF THE SUPREME COURT OF OHIO

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Freeman, Appellant, v. Tate, Warden, Appellee.

[Cite as Freeman v. Tate (1992), Ohio St.3d .]
Habeas corpus -- Doctrine of res judicata applicable to successive habeas corpus petitions.

(No. 92-993 -- Submitted October 13, 1992 -- Decided December 11, 1992.)

Appeal from the Court of Appeals for Scioto County, No. 91 CA 2024.

Appellant, Jerome Blair Freeman, filed a petition for a writ of habeas corpus, alleging he was being illegally detained by appellee, Arthur Tate, Jr., the Warden at the Southern Ohio Correctional Facility, because his sentence had expired in October 1977, and because he did not understand that consecutive sentences would be imposed on him. He also alleged he was being withheld from the general prison population for having prevailed in an earlier case, State ex rel. Freeman v. Morris (1991), 62 Ohio St.3d 107, 579 N.E.2d 702.

Appellee filed a motion to dismiss the action for failure to state a claim on which relief can be granted, which the court of appeals overruled. Appellee then filed a motion for summary judgment alleging, inter alia, that appellant had previously raised the expiration-of-sentence issue and that it was res judicata.

Appellant then filed a "motion to grant writ," arguing sentence miscalculation extending as far back as 1983, but supplied no details concerning his current isolation claim. The court of appeals granted the motion for summary judgment and denied the petition, finding the issue of expiration of sentence to be res judicata and that appellant's other claims did not state claims on which relief could be granted.

The cause is before this court upon an appeal as of right.

Jerome Blair Freeman, pro se.

Lee I. Fisher, Attorney General, and John J. Gideon, Assistant Attorney General, for appellee.

Per Curiam. We affirm the judgment of the court of appeals. Res judicata precludes the filing of successive

habeas corpus petitions. *Hudlin v. Alexander* (1992), 63 Ohio St.3d 153, 586 N.E.2d 86. In this case, the record demonstrates that appellant has previously filed at least one habeas corpus action, No. 1352, in the Court of Appeals for Scioto County, in which the expiration-of-sentence claim could have been raised. Moreover, his claim that he misunderstood sentencing procedures does not challenge the jurisdiction of the sentencing court. *Wireman v. Ohio Adult Parole Auth.* (1988), 38 Ohio St. 3d 322, 528 N.E.2d 173.

As the court of appeals essentially held, appellant's claim of segregation from the general prison population does not challenge the jurisdiction of the sentencing court, and we decline to speculate on the present facts whether any remedy of which the court of appeals has original jurisdiction might be applicable, since appellant presented no evidence of an illegal detention.

The judgment of the court of appeals is affirmed.

Judgment affirmed.

Moyer, C.J., Sweeney, Holmes, Douglas, Wright, H. Brown and Resnick, JJ., concur.